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Intellectual Property Law

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CENTRAL FAX CENTER**MAR 24 2008****FACSIMILE COVER SHEET**

DATE: March 24, 2008  
TO: MS PETITION FAX NO.: 571-273-8300  
EXAMINER: Wayne A. Langel  
GAU: 1754  
FROM: Jeffrey S. Abel  
Reg. No. 36,079

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U.S. APP NO.: 10/645,305

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FILING DATE: August 21, 2003

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APPLICANT(S): Eugene A. Pruss et al.

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ATTY DKT NO.: 1035-BN4126

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TITLE: BORON NITRIDE AGGLOMERATED POWDER

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NO. OF PAGES (INCL. COVER SHEET): 7

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Attached please find:

- ☒ Transmittal Form (1 pg)
- ☒ Fee Transmittal (1 pg)
- ☒ Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office  
Action (MPEP 711.03(c)(II) and 37 CFR §1.81) (3 pgs)
- ☒ Part B- Fee(s) Transmittal (PTOL-85) (1 pg)

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**LARSON NEWMAN ABEL POLANSKY & WHITE, LLP**

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MAR 24 2008

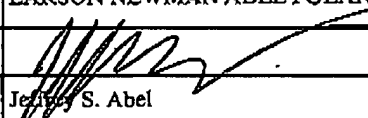
PTO/SB/21 (09-04)

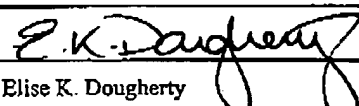
Approved for use through 07/31/2008. OMB 0651-0031  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/645,305
	Filing Date	August 21, 2003
	First Named Inventor	Eugene A. Pruss
	Art Unit	1754
	Examiner Name	Wayne A. Langel
	Attorney Docket Number	1035-BN4126
Total Number of Pages in This Submission	6	

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Part B - Issue Fee(s) Transmittal (1 pg)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	
	CUSTOMER NO.: 34456	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	LARSON NEWMAN ABEL POLANSKY & WHITE, LLP		
Signature			
Printed name	Jeffrey S. Abel		
Date	03/24/2008	Reg. No.	36,079

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Elise K. Dougherty	Date	03/24/2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAR 24 2008

PTO/SB/17 (07-06)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2006**☐ Applicant claims small entity status. See 37 CFR 1.27.**TOTAL AMOUNT OF PAYMENT** (\$) 1,746.00**Complete if Known**

Application Number	10/645,305
Filing Date	August 21, 2003
First Named Inventor	Eugene A. Pruss
Examiner Name	Wayne A. Langel
Art Unit	1754
Attorney Docket No.	1035-BN4126

**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 50-3797 Deposit Account Name: LARSON NEWMAN ABEL POLANSKY & WHITE, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

- 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

- 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____		

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Issue Fee/Publication Fee/Extra Copies Fee

Fees Paid (\$)  
1,746.00**SUBMITTED BY**

Signature

Name (Print/Type) Jeffrey A. Abel

Registration No.  
(Attorney/Agent) 36,079

Telephone 512-439-7100

Date 03/24/2008

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

Applicant(s): Eugene A. Pruss et al.

MAR 24 2008

Title: BORON NITRIDE AGGLOMERATED POWDER

App. No.: 10/645,305 Filed: August 21, 2003

Examiner: Wayne A. Langel Group Art Unit: 1754

Customer No.: 34456 Confirmation No.: 7849

Atty. Dkt. No.: 1035-BN4126

## MS PETITION

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON  
FAILURE TO RECEIVE OFFICE ACTION  
(MPEP 711.03(c)(II) and 37 CFR §1.81)**

Dear Sir:

Applicants confirm receipt of the Notice of Abandonment dated January 24, 2008, stating that Applicants failed to reply to the Notice of Allowance and Fee(s) Due (PTOL-85) within the statutory period of three months. However, Applicants confirm that the Notice of Allowance and Fee(s) Due (PTOL-85) was not received from the USPTO. As of the date of the Notice of Abandonment, January 24, 2008, the only communication received by Applicants' undersigned representative is a Supplemental Notice of Allowability, dated October 31, 2007. However, this communication did not include the Notice of Allowance and Fee(s) due (PTOL-85), which contains the mail date triggering the three-month statutory period for responding with payment of the issue fee.

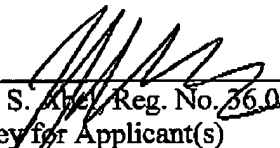
In response to the Notice of Abandonment dated January 24, 2008, Applicants accessed the USPTO online records through PAIR, and have now downloaded the Notice of Allowance and Fee(s) Due (PTOL-85), and remit herewith a completed Part B-Fees Transmittal and Issue Fee Payment.

The undersigned attests to not receiving the Notice of Allowance and Fee(s) Due (PTOL-85) and to having conducted a search of the file jacket and docket records indicating that the Notice of Allowance and Fee(s) Due (PTOL-85) was not received. In connection with the foregoing, a copy of the docket record where the non-received Notice of Allowance would have been entered, had it been received and docketed, is attached to this petition. Under the section entitled "Diary Due Dates," an entry for "Issue Fee Due" would have been present if the Notice of Allowance and Fee(s) Due (PTOL-85) was received from the USPTO. Furthermore, under section entitled "Base Reference", the "Notice of Allowance/Acceptance Date" would have been entered to reflect the mailing date of the Notice of Allowance and Fee(s) Due (PTOL-85), if the Notice of Allowance and Fee(s) Due (PTOL-85) was received from the USPTO.

Since this petition is properly made under 37 C.F.R. §1.81 and MPEP 711.03(c)(II), no fee is believed to be due. However, to the extent that a fee is believed to be due by the Commissioner, the PTO is authorized to charge deposit account number 50-3797 to secure entry of the present petition.

Respectfully submitted,

3/24/08  
Date

  
Jeffrey S. Abel, Reg. No. 36,079  
Attorney for Applicant(s)  
LARSON NEWMAN ABEL POLANSKY &  
WHITE, LLP  
5914 West Courtyard Drive, Suite 200  
Austin, Texas 78730  
(512) 439-7100 (phone)  
(512) 439-7199 (fax)

<b>CASE RECORD LISTING</b>
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24 Mar 2008

File No	1035-BN4126	Module	Patents
Case Ref	106	Country Code	US
Short Title	Boron Nitride Agglomerated Powder	Status Code	PEN
Title/Mark			RECEIVED
			CENTRAL FAX CENTER

MAR 24 2008

Analysis Code 1

Analysis Code 2

Analysis Code 3

Analysis Code 4

Analysis Code 5

Change Reportable

N

Last Amended By

ELAINE

Last Amended Date

29 Jan 2008

Alternate Office Code

Last Checked By

Last Checked Date

Entity Size Ind

Large

CPA Reportable

N

File Location

No of Claims

0

Gazette Ref

Language of Filing

Base ReferenceDateNumber

Application No. / Date

21 Aug 2003

10/645,305

Grant / Issue No. / Date

Notice of Allowance / Acceptance date

Case created

19 Dec 2002

Non-Publication Request Date

Parent Publication Date

24 Feb 2005

2005-0041373-A1

Request for Continued Examination

28 Nov 2006

Role TypeName

Attorney

Abel Jeffrey S.

Client

Saint-Gobain Corporation

Inventor

Pruss Eugene A.

Owner/Applicant/Proprietor

Saint-Gobain Ceramics &amp; Plastics, Inc.

Responsible People

Field Thomas G.

Case Nature File NoAppln NoCountry NameDiary Due Dates

3/24/2008

Status

Outstanding

Action

\* Response to Notice of Abandonment

## Abstract

## Remarks

Related Cases:  
BN4073

## Claims

Text 1

Text 2

Text 3